

IN THE IOWA DISTRICT COURT, IN AND FOR _____ COUNTY

FIRST JUDICIAL DISTRICT

MEDIATION PROTOCOL

)
)
)
)
)
)
)

Administrative Directive

The following is the protocol which is to act as a guide to the First Judicial District's mediation process for all dissolution of marriage or domestic civil actions filed on or after December 1, 2013.

1. Any petition filed by an individual for dissolution of marriage or to establish custody of a child, visitation with a child, or to set child support for a child, or modification of the same, will require the participation by the parties in mediation in an attempt to settle the case. Any petition to establish child support initiated by the Child Support Recovery Unit is automatically exempt from the requirement of mediation.

2. Upon filing of a petition, the clerk will assign a mediator to the case. The mediator will be assigned on a random basis selected from a roster of certified mediators.

3. Forms for many of the required filings and applications are available through the Clerk's office or online on the First Judicial District page of the Judicial Branch website.

4. Any party may file an application for exemption from the requirement of participation in mediation for any of the following reasons: a history of domestic abuse, the respondent is in default, the respondent is incarcerated, or because the parties have reached an agreement as to all issues. If you intend to file an application for exemption because of domestic violence, you must do so within twenty (20) days of the filing of the answer by the respondent. If you intend to file an application for a reduced fee or free mediation because of indigency, you must do so within twenty (20) days of the filing of the answer by the respondent.

5. If a party is unable to pay for the cost of mediation, he or she may file with the clerk an application for mediation at a free or reduced rate within twenty (20) days of the filing of an answer by the respondent. The application must be accompanied by the financial affidavit which is a part of the forms available through the clerk of court, or online on the First Judicial District page of the Judicial Branch website.

6. The parties may elect to utilize a mediator other than the one assigned. The election of such mediator must be by agreement of the parties. The mediator selected by the parties must be from the First Judicial District's roster of eligible mediators or from the roster of mediators of another Iowa Judicial District. Any mediator that resides or offices outside of Black Hawk County shall travel to Black Hawk County for participation in mediation, without cost, unless otherwise agreed upon by the parties.

7. The mediator will file a Disclosure of Conflict form with the parties and the clerk.

8. If a party files for a hearing on temporary matters, it shall be set for hearing no sooner than five (5) weeks from the date of filing. Prior to the hearing date the parties will participate in at least one hour of mediation concerning the temporary matters at issue. If participation in the mediation does not produce an agreement, the hearing will be conducted before the court and a ruling will be issued. No hearing will take place until the court has received certification the temporary matters mediation requirement has been met.

9. Mediation on all issues will be conducted within seventy-five (75) days of the date the answer is filed by the respondent. No trial date or trial setting conference will be set without a certificate of completion of mediation by the mediator which has been placed on file with the clerk of court.

10. If a party is in default, the non-defaulting party may request, and will be granted, an exemption from participation in mediation.

11. If, at any time, the parties settle all issues of their case prior to participating in mediation, they may request, and will be granted, an exemption from participation in mediation.

12. Any party that believes the other party is intentionally failing to comply with the requirements of mediation to avoid the same or to unnecessarily prolong the litigation by failing to attend, schedule, or participate in mediation may make application to the court for an order of compliance which may be enforced by sanctions, fines, or a potential jail sentence.

13. Beginning January 1, 2014, all cases subject to mediation filed in Black Hawk County will be assigned to a specific judge prior to the occurrence of any hearing or trial date. The assigned judge will conduct all hearings and the trial for that case unless for an extraordinary reason.

Dated this 25th day of November, 2013.

Kellyann Lekar, Chief Judge of the First Judicial District